

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILMINGTON TRUST, N.A.,

Plaintiff,

vs.

SHARYL A. MASON,

Defendant.

8:15-CV-296

ORDER

This matter is before the Court on what the Court understands to be a motion for appointment of counsel (filing [29](#) at 39), that defendant Sharyl A. Mason filed as part of her response to Wilmington Trust, N.A.'s motion for judgment on the pleadings (filing [24](#)). Mason has also filed a motion for leave to proceed in forma pauperis (filing [37](#)) at the Court's request, in order to provide the Court with the financial information necessary to evaluate Mason's need for appointed counsel. Both motions will be granted.

Pursuant to [28 U.S.C. § 1915\(e\)\(1\)](#), the Court "may request an attorney to represent any person unable to afford counsel." The Court must consider the factual and legal complexity of the underlying issues, the existence of conflicting testimony, and the ability of the indigent party to investigate the facts and present her claims. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013); *Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

Having conducted an initial review of the plaintiff's claims, the Court finds that the issues are factually and legally complex. And the Court finds it difficult to evaluate the merits of the plaintiff's claims, and any potential defenses that Mason might have, without the assistance of opposing counsel. Furthermore, the financial information provided by Mason shows that she cannot afford to hire an attorney. Based on that information, the Court finds that the criteria for appointment of counsel are satisfied in this case.

Currently pending before the Court is the plaintiff's motion for judgment on the pleadings (filing [24](#)). On its own motion, the Court will grant Mason leave to file an amended response to that motion, or an amended answer to the plaintiff's complaint, on or before May 2, 2016.

IT IS ORDERED:

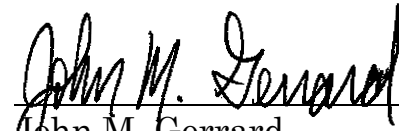
1. Mason's motion for appointment of counsel (filing [29](#) at 39) is granted.
2. Mason's motion for leave to proceed in forma pauperis (filing [37](#)) is granted.
3. Pursuant to [NEGenR 1.7\(g\)](#), [28 U.S.C. § 1915\(e\)\(1\)](#), and the inherent authority of the Court, Kamron T. Hasan and the law firm of Husch Blackwell LLP are appointed to represent Mason:

Kamron T. Hasan
Husch Blackwell LLP
13330 California Street
Suite 200
Omaha, NE 68154
402-964-5000

4. The Clerk of the Court shall provide a copy of this order to the above-named counsel.
5. Counsel shall promptly enter an appearance accepting the Court's appointment.
6. Expenses and attorney fees shall be paid from the Federal Practice Fund under the restrictions set out in [NEGenR 1.7\(g\)](#) and this district's [Amended Federal Practice Fund Plan and the Federal Practice Committee Plan \(as adopted March 11, 2014\)](#). Counsel is particularly directed to Section II(A)(1)(a), Section VI(A)(1), and Attachment A of the [Amended Federal Practice Fund Plan](#), which explain what fees and expenses are authorized and how to seek reimbursement.
7. Mason may file an amended response to the plaintiff's motion for judgment on the pleadings (filing [24](#)), or an amended answer, on or before May 2, 2016.

Dated this 12th day of April, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge